

City of Springfield
Work Session Meeting

MINUTES OF THE WORK SESSION MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, FEBRUARY 17, 2004.

The City of Springfield council met in a work session in the Jesse Maine Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, February 17, 2004 at 6:00 p.m., with Council President Fitch presiding.

ATTENDANCE

Present were Councilors Ballew, Woodrow, Lundberg, Fitch, Ralston, and Malloy. Also present were City Manager Mike Kelly, Assistant City Manager Cynthia Pappas, City Attorney Joe Leahy, City Recorder Amy Sowa and members of the staff.

Mayor Leiken was absent (excused).

1. Application Review for the Metropolitan Wastewater Management Commission.

Environmental Services Manager Susie Smith presented the staff report on this item. Ms. Smith said the City Council is requested to review Doug Keeler's application materials during this Work Session.

The term of Springfield's lay position on the MWMC expired February 1, 2004. The City Council needs to appoint a representative to serve the next term, which extends through February 1, 2007. Doug Keeler, incumbent, has re-applied for the position and is the only applicant.

The MWMC is composed of seven members. Springfield is represented by one City Councilor, Anne Ballew, and one citizen. Doug Keeler, who works for Weyerhaeuser, has represented Springfield on the Commission since 1997. Mr. Keeler brings to the Commission a strong background in industrial wastewater management.

The vacancy was advertised in the Springfield News and the Register Guard, and applications were accepted from December 19, 2003, through January 16, 2004. Notices of the vacancy were also sent to citizens who have served on recent citizen advisory committees and/or have expressed interest in Springfield boards and commissions. One application was received from Mr. Keeler and is included for City Council review.

Councilor Ballew said that Mr. Keeler is a very good representative of Springfield. He understands the technical issues and gets along well with other members. She strongly recommends re-appointing Mr. Keeler to the MWMC.

Council consensus was to re-appoint Mr. Keeler at their regular council meeting tonight.

2. Stormwater Management Plan and Submittal of Required Documents to the Department of Environmental Quality.

Water Resources Program Coordinator Chuck Gottfried presented the staff report on this item. Mr. Gottfried introduced Kevin Masterson, Department of Environmental Quality (DEQ) representative for a stormwater management program and members of the City of Springfield staff. Mr. Gottfried said the purpose of tonight's work session was for council to review and discuss the Stormwater Management Plan. In 2003, the city applied for its first Municipal Separate Storm Sewer System (MS4) stormwater discharge permit, as required by the CWA. A Stormwater Management Plan (Plan) has been prepared to meet the minimum requirements of the State and Federal clean water laws. The Plan was included as Attachment B in the agenda packet.

The Plan's purpose is to provide policy and management guidance for the city's stormwater management programs and other activities affecting stormwater within the Springfield metropolitan area. Chapter Five of the Plan is intended to fulfill specific requirements that must be met to obtain a MS4 stormwater discharge permit. It provides for incremental progress toward achieving the council's annually-reviewed "Key Outcomes for Stormwater Management," (listed on the chart Mr. Gottfried placed on the wall) as well as State and Federal minimum water quality standards. The proposed MS4 materials in Chapter Five mainly capture existing city stormwater management practices and programs. Additional activities, such as a Federally-mandated program for detecting and eliminating illicit discharges (dumping and/or spills) of pollutants city-wide, were only included in the Plan where the city currently has no applicable practices or programs.

The Plan reflects a minimalist approach, which recognizes the city's fiscal and organizational constraints. It does not, however, preclude the city from implementing additional measures that would assist in improving water quality and drainage system conditions. The Plan relies heavily on enhanced outreach and technical assistance to business and industry, as well as implementation and enforcement of existing Development and Municipal Code requirements related to stormwater management and erosion control.

The NPDES-MS4 portion of the Plan must be submitted to the DEQ by March 10, 2004. If the DEQ finds the city's submittal to meet the minimum requirements, Springfield will be issued its first ever NPDES MS4 stormwater discharge permit. Implementation of the Plan is intended, over a five-year permit term, to improve Springfield's water quality by 1) establishing goals and benchmarks for reaching water quality standards, 2) implementing the specified management practices, outreach, education, and enforcement efforts, and 3) ensuring compliance with the city's State and Federal stormwater discharge requirements through tracking, monitoring, and reporting. The Plan does not amend any local codes or ordinances. It also does not impose any new regulations or limitations on the development or use of private property. It is consistent with, and supports city implementation of both the Eugene-Springfield Metropolitan Plan and the Public Facilities and Services Plan.

Stormwater management functions operate within the city's Public Works and Development Services Departments. The planning, expansion, maintenance, and management of the city's stormwater infrastructure require ongoing operations staff and capital improvement program resources. The plan calls for a modest increase in drainage program staffing for illicit discharge

inspection and compliance, starting FY 04-05. Since the adequacy of this Plan to satisfy DEQ requirements is not yet known, the overall future financial impacts are uncertain.

Mr. Gottfried said last year the permit application was reviewed with the Planning Commission and the application was submitted to the DEQ. The public involvement plan was for improved community involvement and included three public events, poster shows (which were included in the agenda packet as Attachment E), and outreach to stakeholders in public industry. The Springfield Chamber of Commerce, HomeBuilders Association, Lane County, City of Eugene and Eugene Water and Electric Board (EWEB) all reviewed the plan with minimal comments and no negative comments. Staff conducted mass mailings, direct telephone contact, media ads, and posted the draft plan to the city's website. The Planning Commission reviewed the plan at its February 3, 2004 meeting and adopted a resolution for recommendation to forward the plan to council.

Mr. Gottfried said the plan evolved from council review of local stormwater resource issues and state and federal regulatory programs. The plan requirements included the NPDES program under the Federal Clean Water Act. The plan would also assist the city with compliance with the Safe Drinking Water Act, the Endangered Species Act, and local ordinances. The plan meets the city's NPDES requirements, which were listed on the chart on the wall.

Mr. Gottfried said the plan would be reviewed by the DEQ to obtain the NPDES permit and may need additional honing to meet those requirements. The council may see the plan after staff incorporates any changes that may need to be made. The plan addresses both water quality and water quantity issues and is driven by non-compliance with the state water quality standards. The plan provides local controls of stormwater management practices while complying with the state and federal mandates. It coordinates existing studies and data that have been gathered to address water quality issues and supports the stormwater facility plan, which is under development. It identifies special areas of concern, such as the Mill Race, and establishes consistent pragmatic water quality goals and implementation actions to reach the long-term goals.

Mr. Gottfried discussed two new programs: the Land Drainage and Alteration Program (LDAP) and the Illicit Discharge Detection Program. He explained the staffing necessary for these programs. He discussed Chapter Five, which is outlined in the staff report included in the agenda packet.

Councilor Woodrow asked how the city would enforce the illicit discharge detection.

Mr. Gottfried said there would be several facets to that program. At this time, the city does some monitoring regarding water quality and when illicit discharge or pollution is detected, they work their way back upstream until the source of the discharge is located. The contaminated portion can then be isolated.

Councilor Woodrow asked what would happen if the city doesn't meet MS4 requirements.

Mr. Gottfried said that would be a violation of the Clean Water Act, which required the city submits the plan. The DEQ would determine the ramifications of that violation.

Councilor Woodrow asked if the city could anticipate any minor or major changes in what the DEQ might require in the next five years.

Mr. Gottfried said the city could anticipate the new program of total daily maximum loads. There are concerns over water temperature in both the McKenzie and Willamette Rivers. There are also concerns regarding mercury levels in the Willamette River. There will most likely be temperature limitations sometime this summer or later this year. The temperature concerns are something this plan will adaptively address, although it does not specifically address temperature controls. Other sections of the City and Development Codes may address that issue.

Councilor Ralston asked about the floodway basin through the middle of Springfield.

Mr. Gottfried said he is not clear why it is named the Q Street Floodway.

Councilor Ballew recalled that in the 1950's there was enough water in the street to re-route traffic to Mohawk.

Councilor Lundberg said there is a stormwater system that runs under Silke Field and there is a mechanism for stormwater discharge that runs through that area.

Mr. Gottfried said that system starts south of Main Street near the Rosboro Mill and continues through town.

Councilor Ballew discussed open ditches and the risk of breeding mosquitoes and other insects.

Mr. Gottfried said we do not have a pest management program for those areas at this time. There are technologies to deal with those issues, but the city doesn't have a program to use those treatments. This plan does not address that issue.

Ms. Smith said the mosquitoes that carry the West Nile Virus are more likely to reside in the pipe system, not in the open areas. At the state level clean water agency advocacy organizations, the legal committee has been working with the DEQ on draft language that might permit communities to use better pest control. At this time, it is not allowed under the Clean Water Act to put pesticides in the waterways.

Mr. Gottfried discussed open ditches and the pipelines and temperature control.

Councilor Ralston said those little streams and ditches have a large number of small fish who eat the bugs.

Discussion was held regarding other breeding grounds for mosquitoes.

Councilor Fitch referred to Attachment A, page 3 included in the agenda packet regarding financial impacts. She asked about the cost of the additional staffing for the LDAP and the

staffing for Environmental Services and if they would be covered by existing revenue or would be additional budget items.

Mr. Gottfried said that all of the water resources staff is funded outside of the General Fund.

Ms. Smith said the LDAP staff would be funded primarily out of the permit fees from the LDAP program.

3. Proposed Sale of the Springfield Community Center to Catholic Community Services, and Disposition of Community Development Block Grant (CDBG) Subsidy.

Housing Program Specialist Kevin Ko presented the staff report on this item. The Springfield Community Center, located at 1025 G Street is currently owned by the Springfield Community Development Corporation (CDC). The city assisted the CDC in the purchase and rehabilitation of the facility by providing \$195,369 of CDBG funds in 1998 and 1999. The city has been asked to facilitate the sale of the Community Center to Catholic Community Services (CCS) by waiving repayment of the CDBG subsidy.

The Springfield CDC has been operating the Community Center since its acquisition in 1998. The Community Center has been a financial and operational challenge to the CDC, which is wishing to divest itself of the facility. The Arc of Lane County was initially interested in the facility, but has concluded it would not serve its needs. The CDC is wishing to sell the property to CCS, who currently operates a food box distribution program and energy assistance program from the facility. CCS is very interested in purchasing the facility so that it may continue to provide services to Springfield residents. If the acquisition is successful, CCS also plans to relocate its main offices to the facility and to offer space to other service agencies to better serve Springfield residents. The debt on the facility (including the CDBG subsidy) exceeds current market value, and full repayment of all debts and obligations is not financially feasible. CCS has requested that the city facilitate the transaction by waiving repayment of the CDBG subsidy.

The city has invested \$195,369 of CDBG funds in the facility and has entered into two separate CDBG grant agreements with the CDC, describing the responsibilities and obligations that go along with the CDBG funds. The agreements require repayment of the CDBG subsidy to the city if the facility is sold within 10 years of the date of the agreement. The CDBG program allows the city the option of waiving repayment, if CDBG eligible services continue to be provided from the facility to low-income residence of the community. The CDBG program requires continued maintenance of the facility.

Staff has visited the facility on several occasions and recognizes the importance of the services that CCS currently provides. The addition of other service agencies would broaden the range of services available. There is no other location in Springfield where low-income persons have access to these services. Staff recommends that the city waive repayment of the CDBG subsidy and assign the CDBG responsibilities and obligations to CCS, according to the terms of the Assignment and Modifications Agreement. This will ensure the long-term continuance of the vital services which are currently being provided by CCS to the benefit of low-income Springfield residents, and represents the best use of the CDBG funds.

Mr. Ko said council is being asked to approve staff's recommendation to allow the CDBG subsidy to remain in the facility, under the terms described in the Assignment and Modifications Agreement (Attachment 3).

Mr. Ko introduced Ed Monks, Executive Director of Catholic Community Services. Mr. Ko referred to the draft assignment and modifications agreement included in the agenda packet as Attachment 3. He made a correction to Attachment 3, page 2, paragraph D which states "Further, in the event that any of the programs specified in 4A, B or C, *are not provided . . .*" (add words in italic).

City Attorney Joe Leahy discussed the interest from Association for Retarded Citizens (ARC) and the School District regarding this property. He discussed the age of the building and bringing it up to code. If we don't do something like this and someone forecloses, we may be in a position of trying to recover that money from a board which no longer exists. Philosophically, this program may need some work regarding the lending of funds. Those are best discussed by council and staff for future projects. He said following a number of meetings, it was determined that the services have been delivered by CCS and by purchasing this building they could continue providing those services to Springfield residents.

Councilor Fitch said the intent was that those services be provided for ten years and have already been provided for five years. The community would continue to receive these services.

Councilor Ralston asked about the total amount owed, the current property value and who would be responsible for the difference.

Mr. Leahy said the applicant is working with the bank to get that amount down.

Mr. Monks said the purchase arrangement with CDC would satisfy the debt in a way that is acceptable and manageable to CCS. He gave the updated figures. CDC would leave the property with no debt, but with no proceeds going to them. He explained how CCS would secure funding to maintain this building. The city and CCS have negotiated to this point.

Mr. Leahy said the CDC had other obligations to the city which have been assumed by St. Vincent DePaul. This is the last arrangement the city would have with CDC.

Councilor Lundberg said she is supportive of anything the city can do to move this forward and retain the same venue as when it started. She is concerned with the size of the building and that there is enough going on in that building. She also noted the parking lot needs repair. This building is viable to what it is offering the community.

Mr. Monks said negotiations with the primary lender enterprise foundation are close and the price is agreed upon. It is their intention to move the CCS administrative offices to this building over time making it very viable.

Councilor Woodrow asked if we could anticipate other issues coming back to us regarding ARC.

Mr. Ko said he sent a letter to ARC explaining what the city is doing regarding the building and CCS. The ARC had already made the determination that the building would not suit their needs.

Councilor Fitch asked if the CDC would be dissolving after this transaction.

Mr. Ko has not heard that they are planning to dissolve. The CDC is not a Community Housing Development Organization (CHDO), which is the designation given to organizations by HUD. They no longer qualify as a CHDO, so their future is unclear. They do have an active board.

Mr. Leahy discussed the CDC Board and their focus on completing this transaction.

Councilor Fitch said this building could also provide meeting space for groups to meet since we are losing the Clarion as a community meeting space.

Councilor Ballew asked if CCS was financially able to weather some setbacks.

Mr. Monks said they are in a position to deal with setbacks.

Councilor Ballew said while the building was the Springfield CDC, it was not tax exempt. She asked if CCS would be property tax exempt.

Mr. Monks said they would be tax exempt. He believes that while the CDC owned the building, occupancy by the CCS within the building qualified the building as tax exempt, but the CDC did not complete the application properly and were denied tax exempt status. Property taxes were not paid by the CDC and continued to accrue to the amount due today. CCS is a 501(C)(3) corporation and would be qualified for tax exemption. They do plan to apply for the tax exemption.

Councilor Ballew discussed the CDBG guidelines for services for ten years. She asked if CCS would continue to provide those services after the ten year period.

Mr. Monks said their mission is providing those types of services and have done so over the last 52 years. Their intention is to continue providing those services or something very similar.

Councilor Ralston asked if CCS could be added to the Housing Policy Board list since the CDC was removed.

Mr. Ko said they could not, because CCS does not provide housing in a way that a CHDO needs to qualify.

Councilor Fitch thanked staff for their work in resolving this to allow the community to receive the services they need and the building to be used and maintained.

4. Council Initiation of Amendments to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) and the Public Facilities and Services Plan (PFSP).

Environmental Services Manager Susie Smith and Planning Manager Greg Mott presented the staff report on this item. Mr. Mott said last week during the council work session there was discussion on some of these amendments. Amendments to the Metro Plan – Public Facilities and Services Element, and to the PFSP, are needed to: 1) clarify the relationship between, and the types of facilities projects included in, the PFSP and local capital improvement plans (CIPs); 2) update the PFSP maps based on new statutes; 3) reflect current conditions and planned regional wastewater facilities consistent with the MWMC Facilities Master Plan Update currently under way; and 4) resolve inconsistencies among metro-wide planning documents. The amendments proposed this evening would apply to Metropolitan Wastewater Management Commission (MWMC), City of Springfield, City of Eugene, Springfield Utility Board (SUB), and Eugene Water and Electric Board (EWEB).

The PFSP includes inventories, condition assessments, project lists and policies for key urban public facilities, including wastewater collection and treatment. Since the inception of these metro-wide comprehensive plans, the wastewater facilities included in the project lists have been limited to pump stations and 24” or larger pipes. Capital improvements to the regional wastewater treatment facilities have been addressed only through the Metropolitan Wastewater Management Commission (MWMC) CIP process.

The PFSP was updated in 2001 as part of the Metro Plan periodic review process. It contains a condition and capacity assessment of the regional wastewater treatment facilities based on the information available at that time. The text references two areas of constrained capacity and the planned work to resolve them. Consistent with past practice, no wastewater treatment facility projects were included in the PFSP project list. An updated MWMC Facilities Master Plan, which will update the information in the PFSP, is nearly complete. The Facilities Master Plan identifies a list of projects that will need to be constructed over the next ten years in order to comply with the wastewater discharge permit issued in 2002 and with additional peak wet weather flow management requirements, as well as to provide adequate capacity through 2025.

Local and regional wastewater program and planning staff, along with legal counsel, have concluded that several amendments to the Metro Plan and PFSP are advisable. The amendments would result in updated wastewater system text, and clarification of the definitions of PFSP-included projects versus projects included in local CIPs only. The amendments also would ensure that all of the metropolitan planning documents provide a consistent and legal framework for developing both regional wastewater Facilities Master Plan projects and city infrastructure projects not currently addressed in the PFSP.

The types of Metro Plan and PFSP amendments contemplated are defined by the Metro Plan as “Type II” amendments, which must be initiated by one of the three governing bodies. Expedient review of the amendments will be critical to timely design and construction of newly identified regional wastewater facilities, which is slated to begin in fiscal year 2004-2005. The metropolitan area Planning Directors reviewed this matter on January 27th and have tentatively scheduled a Joint Planning Commission public hearing for April 13, 2004, pending formal initiation. Development of the amendment language is currently under way, and will be provided to the City Council for review and comment prior to the Planning Commission public hearing.

Staff would also like to ask for council to initiate staff to create a PFSP amendment process in the context of the PFSP. Only the elected officials can initiate these.

Councilor Fitch asked how this process could be done efficiently and timely.

Mr. Mott said a Planning Commission public hearing is scheduled for April 2004. Staff then plans to bring it to council for a public hearing this summer.

Ms. Smith gave a brief background of why this has been brought to council so quickly. MWMC needs to get a number of things in place to begin the process of building a treatment plant for the next 20 years for the community. It involves approval of the facility master plan update, which will be undergoing public hearing and approval by the commission soon; an updated Metropolitan Policy Committee (MPC) methodology; an updated CIP; and ratification of the finance plan. In updating the master plan, staff found they need to get this going in 2004 and 2005 in order to maintain compliance with the wastewater discharge permit. The Planning directors have agreed to expedite this with a joint Planning Commissioners and elected officials. The meetings are set up. Staff from all jurisdictions are ready on this, which would help to move it forward. Staff is working to see what efficiently gets approved through the local CIP process versus the regional Metro Plan and Public Facilities Plan update process. Council may hear testimony from elements of the community that may want to maintain that in a more formalized process. Wastewater treatment facilities have not been listed on the public facilities plan, but need to be included and clarified.

Mr. Mott said they cannot operate outside of the requirements of the administrative rule that specifies what needs to be in the PFSP. The purpose is to clarify what needs to be on the PFSP and what does not. The changes could include amending what is already on there or adding to it.

Councilor Fitch is concerned about all entities making these amendments and causing more confusion.

Councilor Ballew said it is wrong to put capital improvement plans and numbers into what should be a policy document. The process has become the product.

Ms. Smith said staff's big concern is that this facility master plan update will come out with a twenty year laundry list of projects. They are looking to find the most efficient plan. Five years from now they may have adjustments. Every time the name of a project is modified to achieve the same results, staff has to go through a three-jurisdiction metro plan and PFSP amendment process to get that change. That is not a cost effective use of regional sewer user rates and staff time.

Discussion was held regarding leaving the concept and the site location of the facility, and moving the details of the plan and its implementation into the local CIP process, which the elected officials would have complete jurisdiction over.

Ms. Smith said there are concerns of keeping this schedule on track.

Mr. Mott said the request going before council during the regular meeting does not mention all aspects of the amendment process for the PFSP, council may need to remove this from the consent calendar to include the additional information.

ADJOURNMENT

The meeting was adjourned at 6:53 pm.

Minutes Recorder – Amy Sowa

Sidney W. Leiken
Mayor

Attest:

Amy Sowa
City Recorder